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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In re Ex Parte Application of 19

8.0058 MISC

MEDICAL CORPORATION H&S,

Applicant.

DECLARATION OF YUICHI NAKAZAWA IN SUPPORT OF EX PARTE APPLICATION FOR ORDER PURSUANT TO 28 U.S.C. § 1782 PERMITTING DISCOVERY FOR USE IN FOREIGN PROCEEDING

I, Yuichi Nakazawa, declare as follows:

- 1. I am an attorney duly licensed to practice law in Japan. I am a partner at Toda Sogo Law Office, a legal professional corporation organized and existing under the laws of Japan. Applicant, Medical Corporation H&S ("MCHS"), a medical corporation organized and existing under the laws of Japan, retained me and my firm to initiate a civil lawsuit against those liable for defamation and unlawful business interference under Japanese law as soon as their identities have been ascertained through discovery.
- 2. I have personal knowledge of each matter stated herein.
- 3. I submit this declaration in support of MCHS's Ex Parte Application for Order Pursuant to 28 U.S.C. § 1782 (the "Application").

-Page 1 of 3-

In re Ex Parte Application of Medical Corporation H&S

Declaration of Yuichi Nakazawa in Support of Ex Parte Application for Order pursuant to 28 U.S.C. § 1782

Permitting Discovery for Use in Foreign Proceeding

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- 4. MCHS has been operating a dental clinic under the name of "Shonen Dental Clinic" ("松年歯科クリニック" in Japanese) in Nagoya, Japan since March of 2002. Between November of 2018 and February of 2019, multiple reviews described in Exhibit A attached hereto (the "Subject Reviews") were posted on the Google Map review page concerning "Shonen Dental Clinic" through five different Google Accounts whose display names are "杉村元雄", "綾白石", "AOI N", "S J" and "N A", respectively (collectively the "Subject Google Accounts"). Exhibit A is a true and correct copy of the review page as of February 17, 2019 containing the Subject Reviews I highlighted with a red frame. All of the Subject Reviews were posted with one-star ratings and without any comments. "杉村元雄", "綾白石" and "AOI N" posted each review on Wednesday although MCHS closed the subject clinic every Wednesday. They never posted any review other than their Subject Reviews. "S J" and "N A" have already deleted their Subject Reviews as of the date of this declaration.
- 5. Considering the facts above, it is my opinion as a Japanese lawyer that the first three of the Subject Reviews through different three Google Accounts ("杉村元雄", "綾白石" and "AOI N") were posted by the same person for harassment purposes and constitute defamation and unlawful business interference under Japanese law. In addition, I believe the last two of the Subject Reviews through different Google Accounts ("S J" and "N A") were also posted for harassment purposes and constitute defamation and unlawful business interference under Japanese law.
- 6. Therefore, MCHS intends to bring a lawsuit in Japan against the person(s) associated with the Subject Google Accounts as soon as the person(s)' identities have been ascertained through the discovery sought by the Application.
- 7. In order to identify the person(s) who committed unlawful acts against MCHS through the Subject Google Accounts, it is crucial for MCHS to obtain the information relevant thereto. In particular, the information relating to the Subject Google Accounts, as specified in the proposed subpoena concurrently filed with the Application, would be critical and highly relevant in identifying the perpetrators. The most recent access log is

1	necessary because records of older access are generally erased after a short period of
2	time.
3	8. The Subject Google Accounts are maintained by Google ¹ , located in Mountain View,
4	California ² . Google is not a party to the anticipated Japanese lawsuit described above.
5	9. I am not aware of any restrictions imposed by or any policies under Japanese law
6	limiting the proof-gathering proceeding in the manner proposed and for the purposes
7	stated herein and in the Application.
8	10. Based on the above, the documents sought from Google are highly relevant to MCHS's
9	anticipated Japanese lawsuit and are narrowly tailored and limited to the discovery
10	materials related to the Subject Google Accounts through which the identities of the
11	defendants to the anticipated Japanese lawsuit could be ascertained and nothing further.
12	I declare under penalty of perjury under the laws of the United States that the foregoing
13	is true and correct.
14	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
15	Dated: March 7, 2019 By: Yuichi Nakazawa
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Exhibit A

Google 松年歯科クリニック



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地図データ ©2019 ZENRIN 100 m L

すべてのクチコミ

5 4 3 2 1 2 6件のクチコミ

並べ替え:関連性の高い順~



佐藤一志 9 件のクチコミ

★★★★★ 3 週間前

かれこれ2年程通っています。最初は、治療からでその後も定期的にメンテナンス、ホワイトニングをやってもらっています。

先生とスタッフさん達の「笑顔」「親切」「誠実」 「丁寧」「清潔」さで今では、年間通してのライフス タイルとなり安心して行ける歯医者さんです。回

1 1

< 共有

2019/2/17

松年歯科クリニック - Google マップ



★★★★★ 4週間前

スタッフの方たちや先生から治療のアドバイスをもら えます。

丁寧な治療で歯も治って満足してます。 今は定期検診に通ってますが、衛生士さんも熱心だと 思います。

№ いいね ≪ 共有



竹本賢 1件のクチコミ

★★★★ 2か月前

とても丁寧な診療で大変満足しています。 治療の際も説明もきちんとして頂けるので大変満足で す。



千怜松島 1件のクチコミ

★★★★ 1 か月前 検診から色んな相談もうけていただいてます またキッズルームもあり 安心して利用できます。

< 共有 ■ いいね



松井竜一 1件のクチコミ

★★★★ 1 か月前

清潔で落ち着いてあて、リラックスして治療が受ける 事が出来る良い歯医者です。 是非皆さんも治療しにきてください。

▲ いいね ペ 共有

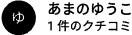


弁田中 1件のクチコミ

★★★★ 1か月前 ディスカバリ使えば★だけでも開示いけますよ。

2019/2/17

松年歯科クリニック - Google マップ



1件のクチコミ

を受けられます。

★★★★ 1 か月前 皆さん、とても親切で笑顔で、毎回、気持ちよく診察

▲ いいね ペ 共有



坂梨愛 1件のクチコミ

★★★★★ 17 時間前 スタッフみなさんの対応がとても親切で丁寧です!

< 共有 1個 いいね

アリス木ノ本

ローカルガイド・2件のクチコミ・1枚の写真

★ ☆ ☆ ☆ ☆ 1 か月前

人見て判断してるみたいで最初から怒られました! 歯医者恐怖症になった原因です!

● いいね ペ 共有

丹沢よしこ 1件のクチコミ

★★★★ 2年前 40代で入れ歯。 人と話すのも不安で、 ついつい手で口を隠しながら会話をしている状態で、 途方に暮れていました。 インプラントは高額で手が出ないと思っていましたの

せめて金属の薄い入れ歯を実費でやろうと思いまし た。

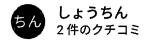
まず、今までの入れ歯の修理から入りました。 それで、大きくないか、痛くないかを確かめ、 その後、グラグラの歯を抜いては歯を足して、 治療を進めてもらいました。

それで、問題なく咬めると、金属の入れ歯づくりに入 りました。 金属の入れ歯は、時間がかかりましたが、 出来上がった日は、嬉しくかったです。

今でも大事に使っています。

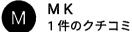
1 3 < 共有 2019/2/17

松年歯科クリニック - Google マップ



★★★★ 1年前

始まる時間を守ってくれるので、待ち時間が少ないが 良いと思う。あと、スタッフの挨拶が丁寧なことと、 予約の前の日にメールで知らせてくれるのでとても助 かる。

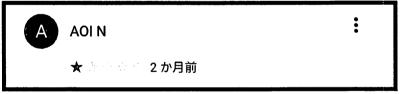


★★★★ 1年前

歯は院長先生に、他の悩みはここの弁護士の先生に聞 いてもらいました

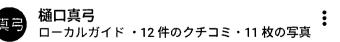




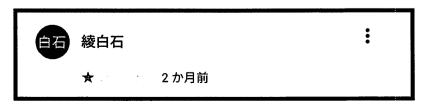




☆★★★★2か月前



★★★★ 2か月前



Case 5:19-mc-80058-VKD Document 2 Filed 03/08/19 Page 9 of 9 2019/2/17 松年歯科クリニック - Google マップ 杉村元雄 1件のクチコミ ★ 3 か月前 しん太郎 ★★★★★ 5か月前 近藤健之 ★★★ 10 か月前 Taka S ローカルガイド・1件のクチコミ・507枚の写真 ★★★★ 1年前 yasu k 1件のクチコミ ★★★★ 1年前 ようこ511 ★★★★★ 2年前 田尾のり子

近るり ローカルガイド・2件のクチコミ・3枚の写真 ★ 2 年前

★★★★★2年前